



CL15890103

FILED

2013 JUL 19 PM 2:41

SONYA KRASKI  
COUNTY CLERK  
SNOHOMISH CO. WASH

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF SNOHOMISH

THE STATE OF WASHINGTON,

Plaintiff,

v.

SMITH, ALAN JUSTIN

Defendant.

No. 13-1-01546-8

AFFIDAVIT OF PROBABLE CAUSE

Aliases:

Other co-defendants in this case:

AFFIDAVIT BY CERTIFICATION:

The undersigned certifies that I am a Deputy Prosecuting Attorney for Snohomish County, Washington, and make this affidavit in that capacity; that criminal charges have been filed against the above-named defendant in this cause, and that I believe probable cause exists for the arrest of the defendant on the charges because of the following facts and circumstances:

Although affiant has no personal knowledge of any of the following except where specifically noted, according to investigative reports from the Bothell Police Department, the Washington State Patrol Crime Laboratory, autopsy results, forensic reports and multiple witness statements:

On February 11, 2013, during the early morning hours, the defendant Alan J. Smith (dob 7/19/75) savagely beat, cut and ultimately drowned his estranged wife, Susann Smith at her Bothell home, located at 216 240<sup>th</sup> St. SW, Bothell, WA. The attack was precipitated by a contentious dissolution and custody battle between the defendant and Susann. The attack has essentially orphaned defendant's two young children, aged six and three. The attack appears to have been carefully planned out, with extensive efforts made at both obscuring who the killer was, and at leaving little forensic evidence for investigators to find.

The murder of Susann Smith initially came to the attention of law enforcement on the morning of February 12, 2013 when a co-worker of Susann's called the Bothell Police Department and indicated that Susann had not come to work either Monday, February 11, or Tuesday, February 12. According to the co-worker efforts had been made at calling Susann, with no success. The failure to either show up for work or to answer phone calls was described as highly unusual for Susann. Bothell officers arrived at Susann's home for a welfare check at approximately 10:30 am. Officers knocked and got no response. The police then walked about the home and peered in windows. While looking in the window of a room subsequently identified as Susann's bedroom police saw significant amounts of blood on the floor and wall. This room had obviously been the scene of a violent struggle.

2

Police entered the home thru the unlocked front door. Inside the home police discovered that Susann had been murdered in a particularly brutal fashion. Based on the blood spatter evidence it was apparent that Susann had initially been attacked while she was in her bed. The attack then moved to the floor between the bed and the wall. This area had extensive blood pooling, smearing and spattering. The blood spatter was consistent with a medium velocity bloodletting event i.e. a beating with either fists or some type of blunt object. Susann was apparently rendered defenseless at this location, as bloody drag marks led from this location down the hall into the bathroom. During this portion of the struggle Susann's panties and kotex were either removed by her assailant or came off during the fight. Susann was menstruating at the time of her murder, so it is unlikely she would have been sleeping without her panties and feminine hygiene product. Inside the bathroom police discovered Susann's body inside the bathtub. The bathtub was full of water. Susann's body was clothed only in a grey t-shirt, and was face down in the water. The bathwater was tepid, and Susann's body temperature consistent with her having been in the tub for several days. Police later determined it would take approximately 17 minutes to fill the tub to the point they found it in. Due to the injuries that Susann had suffered to her face, police were initially unable to positively identify her.

The police requested the assistance of the Washington State Patrol Crime Scene Response Team (CSRT) in processing the death scene. During the processing of the home police discovered a number of footprints left in blood in various locations in the house. Some of these bloody footprints appeared to have been of a bare foot showing thru a blood soaked sock, some of them appeared to be that of a shod foot, a shoe that had a distinct pattern on the sole, and some of them appeared to be that of a foot wearing some sort of covering, as of yet unidentified, that left a distinct patterned impression in the blood. On the bathtub, police discovered several bloody transfer impressions with a very distinct pattern. It appeared these blood impressions would have been made when Susann's body was placed in the bathtub. Throughout the house police located a number of fingerprint impressions in blood without any ridge detail, leading police to conclude that Susann's killer had been wearing gloves. No murder weapons were located at the death scene. It appeared that at least some preliminary efforts at cleaning had been attempted.

Police located no signs of forced entry. There was no evidence that the home had been ransacked or searched. Various items (laptops, smart phones, TV's) that would commonly be stolen in a burglary were left untouched. It appeared that Susann Smith had been targeted.

The Snohomish County Medical Examiner's Office conducted an autopsy of Susann's body on February 13, 2013. At autopsy the pathologist discovered that Susann had suffered multiple injuries to her head and face: 12 sharp force injuries and 10 blunt force injuries. The blunt force blows caused a skull fracture that would have caused Susann's death. However, it was apparent that Susann was still alive when placed in the bathtub, as the medical examiner discovered that Susann had drowned while face down in the tub. Other than a number of defensive bruises on her forearms and hands, Susann had no injuries other than the 22 blows and cuts to her head. No evidence of sexual assault was found.

Police soon learned that defendant was Susann's estranged husband, and that he worked at the Boeing plant in Everett. Two detectives drove to the Boeing plant to interview defendant, arriving there at approximately 3 pm on February 12. Police initially identified themselves, and indicated that they were investigating a "serious crime", and that police had found a dead body in his wife's home. Police also advised defendant that his children were safe. Defendant did not ask questions as to whose body had been found, nor did he offer any assistance to police. According to the two detectives, defendant's reaction seemed rehearsed. Defendant gave police a description of his activities the last few days. Defendant indicated that he had returned from a business trip to Ireland on Saturday, February 9, and picked up his two children from Susann at approximately 2:30 pm. According to defendant this was the last time he had seen Susann. According to defendant he and the children had watched movies at his apartment Sunday evening, and that they had all slept there. The following morning, Monday February 11, defendant stated he had dropped the children off at daycare, picking them up after work. Defendant and the children spent Monday night, February 11 at his apartment, and on Tuesday morning he once again dropped them off at daycare. During the course of the interview police noticed that defendant had an injury to his left hand-it appearing swollen. Defendant indicated this injury occurred when his 3 year old boy accidentally hit him with a hatchet. Defendant ultimately ended the interview after being asked

why he might harm Susann, stating "I think I had better talk to an attorney." Defendant was advised that Child Protective Services would be taking custody of his children until the investigation was concluded. Police left the Boeing plant at approximately 4:30 pm.

Defendant reinitiated contact with police at approximately 6:30 pm, and indicated that he would voluntarily allow police to search both his car and his apartment. Police began a search of defendant's car at approximately 7 pm. During the search police observed that defendant had a Garmin portable GPS in the front dash. Police also located a plastic bag from Home Depot. Inside the bag were two unopened bags containing Kleenguard Chemical Splash Resistant Coveralls. Defendant indicated the coveralls were purchased earlier that day as he planned to paint an accent wall at his apartment. Police also found an unopened box of Playtex brand latex gloves and a new 5 gallon gas container. Police started the search of defendant's apartment shortly after completing the search of the car. During the course of this search defendant consented to a taped interview in which he laid out in detail his activities of the last several days. Defendant indicated that he had purchased the Kleenguard Coveralls at the Home Depot located at 128<sup>th</sup> and Highway 99 in south Everett. Defendant further indicated he had lunch at Taco Bell. Police later confirmed that defendant purchased the coveralls at Home Depot at 1:40 pm Tuesday, February 12.

Police contacted Susann's family law attorney, and pulled the various legal filings in the divorce and custody proceedings. It became readily apparent that the court proceedings had turned acrimonious. Defendant had hired and fired two lawyers, and was on his third at the time of Susann's death. The initial petition of Dissolution was filed November 18, 2011. On August 3, 2012, the Commissioner largely adopted a proposed Temporary Parenting Plan submitted by Susann. According to Susann's attorney, John Ely, after the hearing Susann and defendant had a disagreement about an issue and defendant became angry and gave Susann a menacing stare. According to Ely this "incredibly menacing stare" was something the like he had never seen in 15 years of practice. Attorney Ely was so concerned about this interaction between the two that he commented on it to both Susann and staff at his office. On December 13, 2012 defendant filed paperwork claiming that he now believed that Susann may be sexually assaulting the two children. These filings were part of a motion to reconsider a failure by the Commissioner to order a Guardian Ad Litem (GAL) appointed to the case. On January 10, 2013 the Commissioner denied the motion. On January 11 defendant filed a Motion of Revision of the Commissioner's Ruling on the GAL. Defendant also filed papers indicating that he was fearful of Susann moving the children to her native Germany. This hearing was held on January 25 in front of Judge Fair who found no merit to defendant's accusations, and again found for Susann. According to Ely after this hearing Susann had been waiting alone in the hall when she was approached by defendant and called a "monster".

Police also contacted an ex-girlfriend of defendant, Rachel Amrine. Amrine had been dating defendant from September 2012 until late November 2012. According to Ms. Amrine defendant often "ranted and ranted" about Susann, the amount of child support he was paying, and his fear that she would attempt to move the two children to Germany. During one angry rant in October, defendant queried something to the effect "how could he make someone disappear without anyone knowing". Several days following this in another angry phone call defendant stated that he "just wanted her to be done with". Amrine also related that in one conversation she had with defendant she mentioned that a friend of hers from the military told her how one could beat someone with a phone book and not leave any bruising. Defendant replied that "you could do that with a rubber mallet too". Ms. Amrine helped defendant move from an apartment in Seattle to an apartment in Bothell in November 2012. During this move she saw and packed a rubber headed mallet.

Police interviewed a number of co-workers of defendant from Boeing. One of these co-workers had known defendant since January, 2011, and worked fairly closely with him. This co-worker termed the last year defendant's "descent into madness" as he obsessed about his divorce, his hatred for Susann, and his fear of Susann getting custody of the children and moving to Germany with them. Defendant adamantly told this co-worker that he would not allow Susann to get custody, nor allow her to move to Germany with them. This co-worker began avoiding contact with defendant as he did not want to hear him obsess about the divorce. Two other co-workers, Mathew Pierce and Colin Warner, traveled to Ireland with defendant, leaving February 4 and returning February 9, 2013. According to Pierce, defendant talked almost exclusively about his divorce during the trip. Defendant realized that the court

hearings were not going in his favor and he was angry, blaming the court system as being rigged to favor women and to take all of his money from him. Defendant was angry about Susann potentially gaining custody and moving to Germany. Defendant described Susann as a "psychopath", "evil", and "pure evil".

In the time frame following the discovery of Susann's brutalized body police served 15 search warrants in an effort to discover the identity of her killer. Defendant's work computer at Boeing was searched. On February 12, prior to detectives contacting defendant and telling him a body had been discovered at his wife's home, defendant made internet searches for flights from Seattle to Venezuela for one adult and two children, and googled "10 best countries to live and work abroad", and "Where is the best place to live in South Central America". Following the visit by detectives, defendant made multiple searches for flights from Seattle to Venezuela for three, flights for three from Seattle to Vancouver, and flights for one adult from Seattle to Toronto.

A search warrant was served on defendant's personal I-Pad, and Android cell phone. In December 2012 defendant made internet searches on Google for "How realistic is CSI Miami", "Most realistic crime shows", "Forensic Files", "Where do people get fake passports", "How long does it take for DNA test", "How much material is needed for DNA", and Forensic DNA FAQ's from Orchid Cellmark Laboratory. A subsequent search of financial records indicated that defendant ordered an entire season of Forensic Files in December from Netflix. During forensic searches of both defendant's cell phone and Susann's cell phone it was discovered that after being advised of the body found in Susann's home defendant texted Susann's phone "Hi Susie" at 10:23 pm on February 12. A search of all electronic communication between defendant and Susann indicated this was a highly unusual text. There was text history going back 14 months to 12/13/11, consisting of 127 text messages between defendant and Susann. In none of these texts did defendant ever simply write "hi"-all of the texts revolved around discussions of their children or issues relating to them, or issues between defendant and Susann. In none of the texts, other than one sent February 12, did defendant address Susann as "Susie".

Several search warrants were served on defendant's financial records. On October 27, 2012 defendant purchased a rubber mallet, two sets of Kleenguard Chemical Splash Resistant Coveralls, and disposable shoe covers at Home Depot. In the various searches of defendant's apartment and car police were never able to locate these items. Analysis done on the bloodstain impressions present on the bathtub where Susann's body was located, found that the fabric on the Kleenguard coveralls was visually similar to the bloodstain impressions, and that experimental bloodstains done in the lab with the Kleenguard coveralls were consistent with what was found at the death scene. According to the bloodstain pattern analyst "the Kleenguard Coverall fabric produced a patterned contact bloodstain with a limited association of some characteristics of the contact bloodstains observed at the original crime scene. This is class evidence, which means that the object has characteristics common to a group of similar objects, but not one single object. And although similarities are noted, there are significant limiting factors between the questioned and known impressions." Similarly, police purchased a mallet identical to the mallet purchased by defendant on October 27 and requested a forensic scientist compare the mallet to the circular blunt force injuries that Susann Smith had suffered. The forensic scientist concluded that several of the multiple blunt force injuries suffered by Susann exhibited the same class characteristics and arched dimensions as the mallet.

Defendant's financial records show that on November 24, 2012 defendant purchased a bicycle for \$617 from Gregg's Greenlake in Seattle. This is contrary to what he told police during his first recorded interview with them on February 12, where he told them his last bike had been stolen from his Ravenna apartment sometime in October 2012. A check of surveillance video on the route from defendant's apartment to Susann's home (1.7 miles each way) located a biker coming from the direction of defendant's apartment at 2:24 am in the early morning hours of February 11. The quality of the video is such that one can say little more than it is an individual on a bike. A check of traffic cameras located a biker eastbound of 240<sup>th</sup> St. make a left hand turn (northbound) onto the Bothell-Everett Highway at 4:13 am. This would be the most direct route from Susann's home to defendant's apartment. Once again the quality is such that little can be said other than that it shows a person on a bike. The bike that defendant purchased in November, and neglected to tell police about, was seen unattended and unsecured at the Canyon Park QFC by an employee there. This is a store that defendant frequents. In fact his financial records indicate that he was there on both February 10 and February 11. This witness estimates the date

he first saw the bike as around February 21, 2012. This same witness later saw the same bike unattended and unlocked at Holiday Inn Express in the days following February 21, but before February 28. This witness once again saw the bike unattended in the greenbelt next to the Canyon Pointe Apartments (where defendant lived) on February 28. The witness called police who came and collected the bike. A check of the bike's serial number confirmed it was the same bike as the one purchased by defendant in November. The time frame that the various cameras show a bicyclist on the route to and from Susann's apartment is consistent with the time frame police believe the murder occurred. Police believe defendant may have left his bike unattended and unsecured in hopes that it would be stolen, thus disposing of it as possible evidence.

Police also served a warrant on the Garmin GPS in defendant's car. An analysis of the data from the GPS device showed that on Monday, February 11 defendant traveled to the area of the 23200 block of 3<sup>rd</sup> Ave. SE (location of Little Bears Daycare, where his children went) at 7:54 am, and then traveled to the location of the Albertson's parking lot located at 12811 Beverly Park Rd., in Lynnwood, arriving at 8:10 am, and not leaving until 8:20 am. The GPS located the car in the northwest side of the parking lot. Two large dumpsters are located at this location. Police theorize that this is where defendant may have disposed of the various bloody items related to the murder of Susann Smith.

The GPS then indicates defendant drove to work. According to the data from the GPS the stop at the Albertson's parking lot is not a normal stop for defendant, and it is a stop he neglected to tell police about. The following day, Tuesday February 12, the GPS data indicated that, as defendant told police, he left the Boeing plant at approximately 1:15 pm. The data indicates that defendant then drove to the 11300 block of Evergreen Way, Everett, arriving at 1:21 pm, and leaving at 1:35 pm. This is the location of the Everett Wal-Mart. Police were able to confirm that defendant did in fact stop at Wal-Mart via surveillance video and receipts. Defendant purchased a pair of croc-style shoes, two pairs of Playtex gloves, and a gas can with cash. This cash transaction is unusual as defendant usually uses either a debit or credit card. The soles of the croc shoes visually matched some of the shoe prints left in blood at the death scene. Police purchased an identical pair of shoes and asked the crime lab to compare the soles of the shoes to the impressions left in blood at the scene. The conclusion from the forensic scientist was that "the shoes can be included in the possible designs that correspond to this impression." Defendant neglected to tell police he stopped at Wal-Mart. These croc style shoes have not been recovered by police during any of their searches of defendant's home or car.

Following the purchase of the shoes, gloves, and gas can the GPS data indicate that defendant then drove to the 11915 Highway 99, the location of the Home Depot. Defendant arrived at 1:37 pm, and left at 1:44 pm. As described above, defendant admitted purchasing two Kleenguard coveralls at Home Depot at this time. After defendant's departure from Home Depot the GPS data indicates that he drove to Bothell, arriving at the intersection of 240<sup>th</sup> St. SE and Meridian Ave. South at 2:00 pm. This intersection is several blocks from Susann Smith's home. At the time defendant arrived at this intersection police were manning a barricade, and not allowing any travel any further west on 240<sup>th</sup>. It is unknown what defendant's purpose was in going to area of Susann Smith's home on February 12, but it is known that at that time he had in his car two packages of Kleenguard Coveralls, a gas can, two pair of latex gloves, and a pair of croc style shoes. After reaching the barricade the GPS data indicates defendant drove back to work at Boeing, arriving there at 2:47 pm-15 minutes before detectives arrived. Defendant neglected to tell police that he had gone to either Wal-Mart or to the area of Susann's home.

The morning following the purchases at Wal-Mart and Home Depot, February 13, the GPS data indicates that defendant left his home at 4:25 am and headed south on I-405, exiting 405 in Bellevue at the NE 8<sup>th</sup> St. exit, making a U-turn and getting back on I-405. The GPS data shows that defendant then continued south on 405 until he exited in Renton, at the NE 30<sup>th</sup> St. exit, went east across the freeway, then headed back north on 405, ultimately ending his journey at the Boeing plant at 5:29 am. His arrival at Boeing was confirmed by Boeing security pass records. Shortly after his arrival at Boeing, at 5:53 am, defendant began the internet searches for flights to South America described above. During this day, February 13, defendant makes four separate cash withdrawals from an ATM at Boeing. The amount of these withdrawals is \$1500. It is unknown why defendant drove to Renton in the early morning hours of February 13. However, what is clear is that this drive is unprecedented based on the data stored in the GPS.

Search warrants were also served on defendant's person, specifically his feet, in a hope of determining whether or not they left the bloody footprints at the death scene. The warrant allowed the taking of detailed photos of defendant's feet, the taking of inked impressions of his feet both standing and walking, and video of defendant walking. These items were sent to Sgt. S.L. Massey of the Royal Canadian Mounted Police (RCMP), Forensic Identification Services, along with photos of the various bloody footprints from. On June 25 Sgt. Massey completed her examination. Three of the bloody footprints were found to "support the proposition that this impression could have been made by the right foot of ALAN SMITH." "Support" is a term of art that means based on the class characteristic details such as overall size, location of toe pads, overall widths of the heel and arch, the examiner would include this person as being the possible originator of the impression in question. Sgt. Massey opined that there is a very low occurrence of a conclusion that someone "did make" a questioned foot impression, particularly when the foot in question was in some type of sock.

The same day that Sgt. Massey finished the foot morphology examination Wendell Morris contacted the Bothell Police. Morris said that he had met defendant at a potluck organized by some members of the church they both attend, City Church. Morris is an ordained minister, but does not hold a position of minister or pastor at City Church, nor is he employed or assigned as staff at City Church. Morris' role at City Church is that of a volunteer bible study group leader. When Morris initially met defendant he was aware defendant was a "person of interest" in his wife's murder. Due to the ongoing publicity surrounding the investigation into Susann's murder the staff at City Church told defendant and his new girlfriend, Love Thai, they were no longer welcome to attend services at either the Seattle or Kirkland church campus. Defendant was told this either June 22 or June 23. Being turned away from the City Church upset defendant and Ms. Thai. They called Morris on June 23, asking to meet at Starbucks on south Lake Union. Morris agreed. While Ms. Thai and Morris' wife spoke inside Starbucks Morris and defendant spoke inside defendant's vehicle. Defendant appeared distraught, stating that his life was in "chaos", and he felt "trapped in by tornadoes all around him", and that he was in over his head dealing with the mental issues of Ms. Thai. Morris told defendant that before he could help and support him he needed to know whether he had anything to do with his wife's murder. Defendant did not answer immediately and suggested they take a walk. As defendant and Morris were walking defendant turned to Morris and stated "About what you asked me about in the car, the answer is yes". When asked to clarify defendant stated, "Yes, I did it to her." Defendant then broke down, sobbing and crying. Defendant told Morris "I respect what you do with the information, because at this point I am walking off the ledge, I'm walking off the ledge." When defendant and Morris ultimately parted company, it was Morris' belief that defendant was going to turn himself into the police. When that did not occur Morris came forward with his information. When Morris spoke to police he was adamant that he was not acting as a clergyman when he spoke to defendant, but merely a man of God.

Defendant is currently in custody on this matter, being held on \$1,000,000 bail, as set in District Court. The State would ask that amount of bail be maintained. The State would further request that should defendant attempt to bail out that he be required to deposit 10% of any posted bond in cash or other sureties with the registry of the court, pursuant to CrR 3.2(b)(4). Defendant is also facing charges in Bothell Municipal Court for Obstructing, for refusing to turn over his passport as directed by court order. Defendant posted \$10,000 bond on that matter June 26, 2013. The State believes that defendant is an extreme flight risk and danger to the community.

Based upon a review of databases maintained by state and federal agencies, the Prosecutor's understanding of the defendant's criminal history is set forth in the attached Appendix A, which is incorporated by reference herein.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

MARK K. ROE  
Prosecuting Attorney

  
CRAIG S. MATHESON, #18556  
Deputy Prosecuting Attorney

DATED this \_\_\_\_ day of July, 2013 at the Snohomish County Prosecuting Attorney's Office.

**APPENDIX A TO PLEA AGREEMENT**  
**PROSECUTOR'S UNDERSTANDING OF DEFENDANT'S CRIMINAL HISTORY**  
**(SENTENCING REFORM ACT)**

DATE: June 28, 2013 (gp)  
DEFENDANT: SMITH, Alan Justin  
DOB: 7/19/75 W/M  
SID: WA27059251 FBI: 902689TD7 DOC:  
DNA TAKEN: N

<u>CRIME</u>	<u>DATE OF CONVICTION</u>	<u>PLACE OF CONVICTION</u>	<u>Incarceration/Probation DISPOSITION</u>
--------------	-------------------------------	--------------------------------	--

**ADULT FELONIES:**

None.

**ADULT MISDEMEANORS:**

None.

**JUVENILE FELONIES:**

None.

**JUVENILE MISDEMEANORS:**

None.

**I Date of Conviction reflects the sentencing date on felonies and offense date on misdemeanors.**

**AFFIDAVIT BY CERTIFICATION**

I am a legal specialist employed by the Snohomish County Prosecutor's Office, and make this affidavit in that capacity. I have reviewed the following databases maintained by federal and state agencies to determine the above named defendant's criminal history: NCIC (maintained by the FBI), WWCIC (Washington State Patrol Criminal History Section), JIS (Judicial Information System), DOL (Washington State Department of Licensing), DOC (Washington State Department of Corrections). A review of those sources indicates the defendant's criminal history is as listed above.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

  
LEGAL SPECIALIST

DATED this 28 day of June 2013, at the Snohomish County Prosecutor's Office